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Applicant:	SPRING, Leslie *et al.*	**Confirmation No.:**	5565
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Title:	**RICH MEDIA PUBLISHING**	**Docket No.:**	113748-4598US

APPEAL BRIEF (37 C.F.R. § 41.37)

Mail Stop Appeal Brief - Patents
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Appeal from the rejection of claims 1–19, 21, and 23–52 in the final office action of November 2, 2007, relating to the above-referenced application.

(i) Real Parties in Interest

Sony Corporation and Sony Pictures Entertainment Inc, assignees of the present application, are the real parties in interest.

(ii) Related Appeals and Interferences

There are no related appeals and/or interferences currently pending.

(iii) Status of Claims

Claims 1–19, 21, and 23–52 are pending in the case. Claims 20 and 22 have been canceled. Claims 1–19, 21, and 23–52 are rejected. Claims 1–19, 21, and 23–52 are appealed herein.

The present application was filed on March 30, 2004 with claims 1-52. In an amendment dated January 20, 2006, claims 20 and 22 were canceled, and claims 1, 21, 23, 29, 47, 48, and 50-52 were amended. Claims 1, 21, 23, 29, 47, 48, and 50-52 were again amended in an amendment dated September 19, 2006. In an amendment dated January 25, 2007, claims 1, 3-4, 23, 29, 47, 48, and 50-52 were further amended. In an amendment dated August 20, 2007, claims 1, 23, 29-48, and 50-52 were amended. Finally, in reply to the final office action of November 2, 2007, claim 47 was amended (in an amendment dated February 4, 2008) to clarify the claim language. However, for the purposes of this appeal, the amendment was not entered (according to Advisory Action dated March 19, 2008).

(iv) Status of Amendments

No amendments have been filed subsequent to the amendment dated February 4, 2008.

(v) Summary of Claimed Subject Matter

A. Claim 1 - A media publishing system, comprising:

a) a network interface to connect the media publishing system to a user; *Fig. 1A (120)*

b) a plurality of web services for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; *Fig. 1A (110); Publication, Paragraphs [0055], [0070]*

c) a data storage providing a file system to said plurality of web services, where the file system provides access to media items; *Fig. 1A (115)*

d) storage in which project code used to present the media project to the user is stored; wherein the RMP templates include settable features, the settable features controlling an aspect of presenting the media project, *Publication, Paragraph [0074]*

e) wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, *Publication, Paragraphs [0071], [0074]*

f) wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category. *Publication, Paragraphs [0067], [0070], [0071]*

B. Claim 5 -

a) wherein the application programming environment includes a create-once-render-everywhere (CORE) platform. *Publication, Paragraphs [0050], [0075], [0078], [0082]-[0087], [0151]*

C. Claim 6 -

a) wherein the CORE platform includes a rendering service, a user interface management service, a publishing service, and a content management service. *Publication, Paragraphs [0050], [0075], [0078], [0082]-[0087], [0151]*

D. Claim 23 - A client system for accessing and utilizing a media publishing system

a) a network interface to connect a user to the media publishing system; *Fig. 1A (120)*

b) at least one user interface application for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; *Fig. 1A (130); Publication, Paragraphs [0055], [0070]*

c) wherein the RMP templates include settable features, the settable features controlling an aspect of presenting the media project, *Publication, Paragraph [0074]*

d) wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, *Publication, Paragraphs [0071], [0074]*

e) wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category, *Publication, Paragraphs [0067], [0070], [0071]*

f) wherein the media project and media items are presented using the at least one user interface application. *Publication, Paragraph [0063]*

E. Claim 29 - A computer program comprising executable instructions:

a) select a category of rich media publishing ("RMP") templates; *Fig. 3 (305); Publication, Paragraph [0075]*

b) select at least one RMP template from said category, said at least one RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement; *Fig. 3 (310); Publication, Paragraphs [0055], [0070], [0075]*

c) select and arrange said media items in said each media slot; *Fig. 3 (315); Publication, Paragraphs [0055], [0070], [0075]*

d) present a media project comprising said at least one RMP template and said media items; *Fig. 3 (320); Publication, Paragraphs [0055], [0070], [0075], [0082]*

e) wherein said at least one RMP template includes settable features, the settable features controlling an aspect of presenting the media project, *Publication, Paragraph [0074]*

f) wherein the settable features of said at least one RMP template are configured to match and remain unchanged when said at least one RMP template is replaced by another RMP template in said category, *Publication, Paragraphs [0071], [0074]*

g) wherein said media items in said each media slot of said at least one RMP template remain unchanged when said at least one RMP template is replaced by said another RMP template in said category. *Publication, Paragraphs [0067], [0070], [0071]*

F. Claim 47 - A computer program comprising executable instructions:

a) connect a media publishing service to a user; *Fig. 1A (120)*

b) build, publish, and access a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; *Fig. 1A (110); Publication, Paragraphs [0055], [0070]*

c) use a file system to upload, store, and access the media items; *Fig. 1A; Publication, Paragraphs [0055], [0070]*

d) store project code used to present said media project to the user; *Fig. 3 (325); Publication, Paragraphs [0055], [0070], [0075], [0082]*

e) wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project, *Publication, Paragraph [0074]*

f) wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, *Publication, Paragraphs [0071], [0074]*

g) wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category. *Publication, Paragraphs [0067], [0070], [0071]*

G. Claim 48 - A computer program comprising executable instructions:

a) select a category of rich media publishing ("RMP") templates; *Fig. 3 (305); Publication, Paragraph [0075]*

b) select at least one RMP template from the category, said at least one RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement; *Fig. 3 (310); Publication, Paragraphs [0055], [0070], [0075]*

c) select and arranging the media items in said each media slot; *Fig. 3 (315); Publication, Paragraphs [0055], [0070], [0075]*

d) store project code used to present a media project comprising said at least one RMP template and said media items; *Fig. 3 (325); Publication, Paragraphs [0055], [0070], [0075], [0082]*

e) wherein said at least one RMP template includes settable features, the settable features controlling an aspect of presenting the media project, *Publication, Paragraph [0074]*

f) wherein the settable features of said at least one RMP template are configured

to match and remain unchanged when said at least one RMP template is replaced by another RMP template in said category, *Publication, Paragraphs [0071], [0074]*

g) wherein said media items in said each media slot of said at least one RMP template remain unchanged when said at least one RMP template is replaced by said another RMP template in said category. *Publication, Paragraphs [0067], [0070], [0071]*

H. Claim 50 - A media publishing system, comprising:

a) a means for connecting the media publishing system to a user; *Fig. 1A (120)*

b) a means for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; *Fig. 1A (110); Publication, Paragraphs [0055], [0070]*

c) a means for providing a file system to said means for building, publishing, and accessing, wherein the file system provides access to media items; *Fig. 1A (115)*

d) a means for presenting said media project; wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project, *Publication, Paragraph [0074]*

e) wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, *Publication, Paragraphs [0071], [0074]*

f) wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category. *Publication, Paragraphs [0067], [0070], [0071]*

E. Claim 51 – A client system for accessing and utilizing a media publishing system

a) a means for connecting a user to the media publishing system; *Fig. 1A (120)*

b) a means building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; *Fig. 1A (130); Publication, Paragraphs [0055], [0070]*

c) wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project, *Publication, Paragraph [0074]*

d) wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, *Publication, Paragraphs [0071], [0074]*

e) wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category, *Publication, Paragraphs [0067], [0070], [0071]*

f) wherein the media project and media items are presented to the user. *Publication, Paragraph [0063]*

E. Claim 52 - A media publishing system, comprising:

a) a means for selecting a category of rich media publishing ("RMP") templates; *Fig. 3 (305); Publication, Paragraph [0075]*

b) a means for selecting at least one RMP template from the category, said at least one RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement; *Fig. 3 (310); Publication, Paragraphs [0055], [0070], [0075]*

c) a means for selecting and arranging the media items in said each media slot; *Fig. 3 (315); Publication, Paragraphs [0055], [0070], [0075]*

d) a means for presenting a media project comprising said at least one RMP template and said media items; *Fig. 3 (320); Publication, Paragraphs [0055], [0070], [0075], [0082]*

e) wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project, *Publication, Paragraph [0074]*

f) wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, *Publication, Paragraphs [0071], [0074]*

g) wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category. *Publication, Paragraphs [0067], [0070], [0071]*

(vi) Grounds of Rejection to be Reviewed on Appeal

A. Whether claims 1–19, 21, and 23–52 are anticipated by or unpatentable over: (1) Fenton *et al.* (U.S. Patent Application No. US 2002/0194195; hereinafter referred to as "Fenton") under 35 U.S.C. §102(b); or (2) Fenton and Masuoka *et al.* (U.S. Patent Application No. US 2004/0230636; hereinafter referred to as "Masuoka") under 35 U.S.C. §103(a).

(vii) Argument

I. Claims 1–19, 21, and 23–52 are not anticipated by/unpatentable over Fenton under 35 U.S.C. §102(b) or Fenton and Masuoka under 35 U.S.C. §103(a)

In the Final Office Action, claims 1–12, 15–19, 21, 23–25, 28–45, and 47–52 stand rejected under 35 U.S.C. §102 over Fenton. As explained in the Manual of Patent Examination Procedure section 706.02, entitled Rejection on Prior Art, for anticipation

under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. (*See also*, 35 U.S.C. §102(b)). Further, claims 13–14, 26–27 and 46 stand rejected under 35 U.S.C. §103 over Fenton in view of Masuoka. As explained in the Manual of Patent Examination Procedure section 706.02, entitled Rejection on Prior Art, for rejections based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims, and the modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. As set forth in detail below, the outstanding rejections are improper because the Fenton and Masuoka references: (1) do not teach every aspect of the claimed invention either explicitly or impliedly; or (2) cannot somehow be modified in order to meet the claims, wherein the modification is one which would have been obvious to one of ordinary skill in the art at the time the invention was made.

I. A) Independent Claims 1, 23, 29, 47, 48, and 50-52

Independent claims 1, 23, 29, 47, 48, and 50-52 were rejected in the final office action dated November 2, 2007 (referred to hereinafter as "Final Office Action"), and the advisory action dated March 19, 2008 (referred to hereinafter as "Advisory Action"). The rejections have relied on Fenton as disclosing all of the limitations recited in claims 1, 23, 29, 47, 48, and 50-52. The rejection in the Final Office Action specifically states:

1) In addressing the first limitation of claim 1 – see paragraph 0056.

- First limitation of claim 1: a network interface to connect the media publishing system to a user.
- Paragraph 0056 of Fenton: The UND 102 may also include software, hardware, firmware or combinations thereof, for converting digital content into user-perceptible media content. When a UND 102 is connected in communication with the server 104, the website may be displayed on the user's device as a user interface for allowing a user to receive user-perceptible information from the server 104 and communicate information to the server 104, including, but not

limited to, requests for media content downloads, uploads, or requests to link to additional pages, poppers or other websites.

2) In addressing the second limitation of claim 1 – see abstract; paragraph 0003; paragraph 0050-0051, where "categories" is read on "asset packs"; paragraph 0124-0125.

- Second limitation of claim 1: a plurality of web services for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots.
- Abstract of Fenton: A system and process for creating, editing, uploading, storing, sharing, and publishing media content. The system and process occurs within an online environment including one or more user network devices and one or more server network devices connected by a communications link to the one or more user network-enabled devices. The process includes providing access to digital assets and media creating and editing tools via a website. A website user may incorporate the digital assets into media content created or edited by the user by utilizing the media creating and editing tools. The user may then upload and store this personalized media content to storage space provided to the user by the website. The user may also "publish" this personalized media content to a user showcase page on the website. Users may share their personalized media content with other users via a share page on the website.
- Paragraph 0050 of Fenton: When a user chooses to "create" media content, the user may be provided access to media creation and editing tools to create and/or edit media content. The user may also be provided with digital assets in the form of one or more "asset packs." These asset packs may contain, for example, video, audio, and animation segments that may be incorporated into or combined with the user's own media content. For example, each asset pack may comprise audio and video segments related to a particular genre. As an example, an "action" asset

pack may comprise video and/or audio segments of explosions, car chases, and gun battles. Similarly, a "comedy" asset pack may comprise video and/or audio segments of stand-up comedians, skits from television and radio shows, and scenes from comedy films. As an additional example, a "music" asset pack may contain video and/or audio segments of music being played by popular musical groups. Using media creation and editing tools, the user may then insert this video, animation, audio and other digital media into, for example, pre-defined templates and timelines.

- Paragraph 0051 of Fenton: The channel home pages may comprise user-selectable operators that link to digital assets associated with the genre on that channel home page. Thus, for example, the user can experience the action channel home page and then select a create user-selectable operator on that page which will link the user to an action asset pack. As discussed above, the action asset pack may contain, for example, video, audio, and animation segments of action scenes, including, but not limited to, explosions, car chases, and fight scenes. The user may then use the action segments in the user's own creations. As an example, the user may have video showing a child falling off a bike. The user may insert a video segment of an explosion obtained from the website at the point in the user's video where the child falls. The user may then display this video on the user's own user showcase page on the website, as discussed below.
- Paragraph 0124 of Fenton: Pulldown box 1612 may allow the user to choose from a list of video or audio files stored on their stash. The chosen video or audio clip may then be featured on their user showcase page as a user-selectable video or audio clip. In one embodiment, only those video or audio files in the user's stash that are in a valid video or audio format for the showcase page will be displayed to the user. Pulldown box 1614 may allow the user to choose a pre-defined template for their user showcase page. The template will define the format of the showcase page (i.e., where page elements are located on the page). Pulldown box 1616 may allow the user to choose a background color palette for the user showcase page.

- Paragraph 0125 of Fenton: A template preview window 1620 may be provided to allow the user to preview the template styles. Thumbnail examples of showcase page templates may be shown to the user. In one embodiment, this template preview page has no functionality (i.e., the image is static). In one embodiment, if the user does not select a template or background color palette, a pre-defined default template and color palette may be used.

3) In addressing the third limitation of claim 1 – see paragraph 0066; paragraph 0089.

- Third limitation of claim 1: a data storage providing a file system to said plurality of web services, where the file system provides access to media items.
- Paragraph 0066 of Fenton: The menu area 222 may comprise menu choices including, but not limited to, "favorites" (a link to areas, pages, or media content items that are of interest to the user and that the user has previously designated as favorites), "My Stash" (a link to media content that the user has previously saved to a storage area ("stash") provided to the user by the website), "Log in" (links to a log in page so that the user may log into the website), "search" (links to a search page so that the user may perform searches based on user-defined criteria), "settings" (links to a settings page so that the user may enter and edit settings such as the user's password and user name), "about" (links to about pages that provide the user with information about the website), and "shop" (links to shopping pages on which the user may purchase merchandise offered by the website or by independent vendors).
- Paragraph 0089 of Fenton: In some embodiments, the broadband creativity platform may provide users with storage space for their personalized media content (for example, space may be provided on memory system 108 in FIG. 1). The user may, for example, be provided with 50 Megabytes ("Mb") of storage capacity, also referred to as the user's stash in the present disclosure. This stash may serve as a repository for the user's media content. In one embodiment, all file formats may be accepted in the stash. Files stored in the user's stash may remain private and may not be accessed or viewed by other users of the website. Once the

user stores media content to their stash, the user may manage their files within the stash in various ways, including, but not limited to, viewing, editing (for example, changing the title of the file), deleting, and uploading files from the stash to other locations, including, but not limited to, a user showcase page.

4) In addressing the fourth limitation of claim 1 - see paragraph 0066; paragraph 0089.

- Fourth limitation of claim 1: storage in which project code used to present the media project to the user is stored.

5) In addressing the fifth limitation of claim 1 - see paragraph 0118; paragraph 0121; paragraph 0124-0125.

- Fifth limitation of claim 1: wherein the RMP templates include settable features, the settable features controlling an aspect of presenting the media project.
- Paragraph 0118 of Fenton: In some embodiments, the website may provide to the user a "user showcase page" on which to display ("publish") personalized media content to other users of the platform, for example, in templates with pre-defined styles. The user showcase page may be viewable by other users of the platform. The user may choose media content from either the user's stash or from the user's favorites to place on their user showcase page.
- Paragraph 0121 of Fenton: As discussed above, the media content stored by the user in the user's stash may be private and may only be accessed by the user. The user may, however, choose to load selected content onto the user's showcase page. In one embodiment, the user manages their showcase page through a manage user showcase page 1600, as shown in FIG. 16. The purpose of manage user showcase page 1600 is to allow a user to create and/or edit their showcase page information and contents. A user is able to manage the following information on their showcase page: the title or caption of the page, whether the user's bio/contact information is public or private, the page template, color, and configuration. The user may also add media content to the user's showcase page from the user's stash or favorites, including a title, icon and either a promote link or text link. In some

embodiments, the user must be registered and logged in to the website in order to access manage user showcase page 1600.

- Paragraph 0124 of Fenton: Pulldown box 1612 may allow the user to choose from a list of video or audio files stored on their stash. The chosen video or audio clip may then be featured on their user showcase page as a user-selectable video or audio clip. In one embodiment, only those video or audio files in the user's stash that are in a valid video or audio format for the showcase page will be displayed to the user. Pulldown box 1614 may allow the user to choose a pre-defined template for their user showcase page. The template will define the format of the showcase page (i.e., where page elements are located on the page). Pulldown box 1616 may allow the user to choose a background color palette for the user showcase page.
- Paragraph 0125 of Fenton: A template preview window 1620 may be provided to allow the user to preview the template styles. Thumbnail examples of showcase page templates may be shown to the user. In one embodiment, this template preview page has no functionality (i.e., the image is static). In one embodiment, if the user does not select a template or background color palette, a pre-defined default template and color palette may be used.

6) In addressing the sixth limitation of claim 1 - see paragraph 0124-0125.

- Sixth limitation of claim 1: wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category.

7) In addressing the seventh limitation of claim 1 - see paragraph 0124-0125.

- Seventh limitation of claim 1: wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

There are at least two faulty assertions made by the Examiner in characterizing the present claims with respect to Fenton:

> ***(a) Fenton's asset packs read on*** *categories of templates*;
> ***(b) Fenton discloses that the settable features of one template in same category are configured to match and remain unchanged*** *when that template is replaced by another template in the same category*; **and** ***that the media items assigned to the media item slots of that template remain unchanged*** *when that template is replaced by another template in the same category.*

In its response to the Final Office Action, Appellants explained: (1) how the asset packs of Fenton are different from the categories of templates; and (2) that Fenton, while disclosing a pre-defined template that defines the format of a user's showcase page for which a user can specify an attribute such as a background color, does not teach or suggest categories of templates and seamless transitions between the templates of a category in which assignments of user-selected media items are preserved. That is, Fenton does not disclose: (1) that the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category; and (2) that the media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category. After considering Appellants' remarks, the Examiner maintained the rejection in the Advisory Action with the following statements:

> Fenton discloses a media content [(templates) – which is defined as presentation frame work and include media slots according to the specification]] configured into "asset packs" (categories) that can be edited using editing tools (settable features) (See abstract; paragraphs 0050-0051; paragraphs 0124-0126). The examiner respectfully disagrees with the applicant's argument that "asset pack" does not read on "categories" of templates. Also, throughout the disclosure of Fenton discloses a user choosing from several "templates". Applicant further argues that "these genres of digital media (i.e., "asset packs") as disclosed by Fenton therefore correspond to types of "media items." They do not correspond, however, to "categories" of RMP "templates" which provide

> instead presentation frameworks for media items. Addressing Fenton's "asset packs" to the "categories" related to RMP templates in the present invention is thus incorrect", the examiner disagrees [and] maintains her previous argument above. *Advisory Action, Continuation Sheet.*

In this statement, the Examiner maintains similarly faulty assertions. Each of the above assertions (a)–(b) are addressed below with respect to claim 1. However, substantially similar arguments can be made with respect to independent claims 23, 29, 47, 48, and 50-52 as well.

(a) Fenton's asset packs read on categories of templates

In support of the assertion above that Fenton's asset packs read on categories of templates, the Examiner cites abstract, paragraphs 0050-0051, and paragraphs 0124-0126 of Fenton. Specifically, the Examiner states in the Response to Arguments section of the Final Office Action that:

> Fenton discloses a media content [(templates) – which is defined as presentation frame work and include media slots according to the specification)] configured into "asset packs" (categories) that can be edited using editing tools (settable features) (See abstract; paragraphs 0050-0051; paragraphs 0124-0126)." *Final Office Action, Response to Arguments section, page 18, lines 17-20.*

Appellants respectfully disagree with the Examiner's characterization of Fenton. That is, the Examiner's characterization of Fenton regarding "asset packs" is incorrectly applied to "categories" of RMP templates. Fenton discloses "asset packs" containing "video, audio, and animation segments that may be incorporated into or combined with the user's own media content." See *Fenton, paragraph 0050* (emphasis added). It is apparent, then, that Fenton's "asset pack" is digital media, *i.e.,* corresponding to a "media item" as disclosed in the present invention, and not a template, which instead provides a presentation framework for a media item. Moreover, Fenton's digital media asset packs relate to particular genres, such as an "action" asset pack comprising video and/or audio segments of explosions, car chases, and gun battles, a "comedy" asset pack comprising

video and/or audio segments of stand-up comedians, skits from television and radio shows, and scenes from comedy films, and a "music" asset pack which may contain video and/or audio segments of music played by popular musical groups. See *Fenton, paragraph 0050*. These genres of digital media (*i.e.*, "asset packs") as disclosed by Fenton therefore correspond to types of "media items." They do not correspond, however, to "categories" of RMP "templates" which provide instead presentation frameworks for media items. Characterizing Fenton's "asset packs" to the "categories" related to RMP templates in the present invention is thus incorrect.

An important distinction between a Rich Media Publishing ("RMP") template and a "media item" bears emphasis. As discussed above, an RMP template is a "presentation framework," which should be interpreted according to ordinary dictionary definition as a skeletal structure made for admitting, enclosing, or supporting something presented. Accordingly, an RMP template supports the presentation of one or more media items. As such, an RMP template may include a number of "media slots," which are initially undefined parts of the template, but in which media items are subsequently assigned and displayed. A "media item," as opposed to an RMP template, however, comprises some genre of content, *e.g.*, an image, audio segment, or video segment. For example, a media item can be a JPEG image at 320 x 480 pixels, for which a media slot has a particular format to accommodate. See *Publication, Paragraph [0055]*. By analogy, an RMP template can be thought of as a picture frame, and a media item thought of a picture placed within the frame. Together, an RMP template and a media item comprise a "media project," but individually function differently, though complementarily.

Further, RMP templates are grouped into template "categories." The characteristic of a template category is that all of the RMP templates of a category have the same number and genre of media slots. While each RMP template of a category provides a different presentation framework, the same media items can still be used for any template in that category regardless of the presentation framework of the template. See *Publication, Paragraph [0057]*. This enables a user to set up one template with media items and then

switch seamlessly to another template of the same category without having to also reassign the media items. The media items assigned to the first template are automatically assigned to the second, thus enabling the user to easily compare the presentation frameworks of the two templates.

For example, "a second template in the same category may have a different background scene and a different character body, but still has one media slot for an image. A third template in the same category may have completely different features including multiple image features and background music, but still has one media slot for an image. The media slots in templates in the same category also have a particular one-to-one correspondence." *Publication, Paragraph [0070].* Reiterating, "[b]ecause templates in the same category have the same number and genres of media slots, the template can be replaced with another template in the same category without reselecting media items." *Publication, Paragraph [0071].*

(b) Fenton discloses that the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category; and that the media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category

The Examiner's assertion that Fenton discloses that the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category; and that the media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category is not supported by the disclosure of Fenton. The Examiner cites paragraphs 0124-0125 of Fenton in support of the Examiner assertion. However, Fenton states in these paragraphs that:

> [p]ulldown box 1612 may allow the user to choose from a list of video or audio files stored on their stash. The chosen video or audio clip may

> then be featured on their user showcase page as a user-selectable video or audio clip. In one embodiment, only those video or audio files in the user's stash that are in a valid video or audio format for the showcase page will be displayed to the user. Pulldown box 1614 may allow the user to choose a pre-defined template for their user showcase page. The template will define the format of the showcase page (i.e., where page elements are located on the page). Pulldown box 1616 may allow the user to choose a background color palette for the user showcase page. ... A template preview window 1620 may be provided to allow the user to preview the template styles. Thumbnail examples of showcase page templates may be shown to the user. In one embodiment, this template preview page has no functionality (i.e., the image is static). In one embodiment, if the user does not select a template or background color palette, a pre-defined default template and color palette may be used.
>
> *Fenton, paragraph 0124-0125* (emphasis added)

Therefore, Fenton, while disclosing a pre-defined template that defines the format of a user's showcase page for which a user can specify an attribute such as a background color, fails teach or suggest categories of templates and seamless transitions between the templates of a category in which assignments of user-selected media items are preserved.

In summary, the Examiner errs in asserting that Fenton's asset packs read on categories of templates; and that Fenton discloses the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category, and media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category..

I. B) Dependent Claims 5 and 6

In addition to the reasons for patentability set forth above in connection with claims 1, 23, 29, 47, 48, and 50-52, claims 5 and 6 are separately patentable for the following reasons. Claim 5 adds a further limitation "wherein the application programming environment includes a create-once-render-everywhere (CORE) platform." Claim 6 adds

a further limitation "wherein the CORE platform includes a rendering service, a user interface management service, a publishing service, and a content management service."

Regarding claims 5 and 6, appellants respectfully disagree with the Examiner that Fenton teaches a limitation that the application programming environment includes CORE platform in Paragraphs [0050], [0075], [0078], [0082]-[0087], and [0151]. The CORE platform provides a multi-renderer multi-language engine that allows multiple user interface (UI) representations to be derived from a single source written in Interface Definition Markup Language (IDML). None of the Fenton paragraphs cited seem to teach or suggest providing multi-renderer multi-language programming environment.

CONCLUSION

In view of the foregoing, Appellants respectfully submit that the claimed invention is patentable over the references of record. The Examiner has failed to identify or provide teachings in the references for each of the claim elements. Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

Dated: June 3, 2008

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(viii) Claims Appendix

1. A media publishing system, comprising:

a network interface to connect the media publishing system to a user;

a plurality of web services for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots;

a data storage providing a file system to said plurality of web services, where the file system provides access to media items; and

storage in which project code used to present the media project to the user is stored;

wherein the RMP templates include settable features, the settable features controlling an aspect of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, and

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

2. The system of claim 1, further comprising:

a plurality of network servers linked together in a local network to provide an application programming environment for said plurality of web services.

3. The system of claim 2, wherein the application programming environment includes a rich media publishing platform.

4. The system of claim 3, wherein the rich media publishing platform includes a member publishing service, a repository, a repository filters, and an administrative service.

5. The system of claim 2, wherein the application programming environment includes a create-once-render-everywhere (CORE) platform.

6. The system of claim 5, wherein the CORE platform includes a rendering service, a user interface management service, a publishing service, and a content management service.

7. The system of claim 2, wherein the application programming environment includes a content distribution platform.

8. The system of claim 7, wherein the content distribution platform includes an identity service and a commerce service.

9. The system of claim 2, further comprising:

a producer system including at least one development application to build and support said plurality of web services, said producer system running on the application programming environment.

10. The system of claim 1, further comprising:

a client system to enable the user to access said plurality of web services, said client system including at least one user interface application.

11. The system of claim 10, wherein said at least one user interface application includes a web browser.

12. The system of claim 11, wherein said client system further includes:

a local storage to store some of the media items to be used to build the media project.

13. The system of claim 12, further comprising:

a web folder configured as a folder on the web browser.

14. The system of claim 13, further comprising:

an upload control tool to enable uploading of the media items stored in said local storage to said data storage by dragging and dropping the media items directly into the web folder.

15. The system of claim 1, wherein said network interface connects to a wide-area network.

16. The system of claim 1, further comprising:

a support system including at least one support application to support at least one of said plurality of web services.

17. The system of claim 16, wherein said at least one support application includes a maintenance application and a customer service application.

18. The system of claim 1, wherein the media items include background image, background video, background music, animations, slide shows, sounds, and controls.

19. The system of claim 1, wherein said plurality of web services includes a markup language code for the media project, said code including links to media items stored in said data storage.

20. (Canceled)

21. The system of claim 1, wherein the aspect includes background color or font characteristics.

22. (Canceled)

23. A client system for accessing and utilizing a media publishing system, comprising:

a network interface to connect a user to the media publishing system; and

at least one user interface application for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots;

wherein the RMP templates include settable features, the settable features controlling an aspect of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category,

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category, and

wherein the media project and media items are presented using the at least one user interface application.

24. The system of claim 23, wherein said at least one user interface application includes a web browser.

25. The system of claim 24, further comprising:

a local storage to store some of the media items to be used to build the media project.

26. The system of claim 25, further comprising:

a web folder configured as a folder on the web browser.

27. The system of claim 26, further comprising:

an upload control tool to enable uploading of the media items stored in said local storage to the media publishing system by dragging and dropping the media items directly into the web folder.

28. The system of claim 23, further comprising:

a code publishing service to download a project code to execute the media project from the client system.

29. A computer program, stored in a tangible storage medium, the program comprising executable instructions that cause a computer to:

select a category of rich media publishing ("RMP") templates;

select at least one RMP template from said category, said at least one RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement;

select and arrange said media items in said each media slot; and

present a media project comprising said at least one RMP template and said media items;

wherein said at least one RMP template includes settable features, the settable features controlling an aspect of presenting the media project,

wherein the settable features of said at least one RMP template are configured to match and remain unchanged when said at least one RMP template is replaced by another RMP template in said category, and

wherein said media items in said each media slot of said at least one RMP template remain unchanged when said at least one RMP template is replaced by said another RMP template in said category.

30. The computer program of claim 29, further comprising executable instructions that cause a computer to:

select publication parameters; and

store the media project.

31. The computer program of claim 30, wherein the publication parameters include a media project name.

32. The computer program of claim 30, wherein the publication parameters include a publication level, which indicates a range of users that will have access to the media project.

33. The computer program of claim 32, wherein the publication parameters include a security level, which restricts access within the publication level.

34. The computer program of claim 30, wherein the publication parameters include a method of announcement of the stored media project.

35. The computer program of claim 29, further comprising executable instructions that cause a computer to:

download a project code to execute the media project.

36. The computer program of claim 35, wherein the project code includes layout information and features of the media project stored as requests in the project code, such that changes made to RMP templates for one media project are reflected in other media projects.

37. The computer program of claim 29, wherein selecting and arranging the media items in said each media slot includes importing media items transparently to a user.

38. The computer program of claim 29, wherein selecting and arranging the media items in said each media slot includes selecting the media items from a list, wherein the list includes media items distributed among multiple physical locations.

39. The computer program of claim 29, wherein selecting at least one RMP template includes replacing the at least one RMP template with at least one other RMP template within the same category while maintaining all the media items in the at least one RMP template.

40. The computer program of claim 29, wherein said each media slot includes a genre and a target format.

41. The computer program of claim 40, wherein the genre indicates a type of media item that can be assigned to said each media slot.

42. The computer program of claim 41, wherein the genre is image, video, audio, or animation.

43. The computer program of claim 40, wherein the target format indicates a format in which the at least one RMP template causes the media item to be requested when the media item for said each media slot is to be presented.

44. The computer program of claim 43, wherein the target format is a JPG, GIF, bitmap, or other related format.

45. The computer program of claim 40, wherein selecting and arranging the media items includes selecting a specific format of each media item, wherein the specific format can be different than the target format specified for the media slot of said each media item.

46. The computer program of claim 29, wherein the category includes albums, journals, scrapbooks, music players, e-cards, and games.

47. A computer program, stored in a tangible storage medium, the program comprising executable instructions that cause a computer to:

connect a media publishing service to a user;

build, publish, and access a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots;

use a file system to upload, store, and access the media items; and

store project code used to present said media project to the user;

wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, and

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

48. A computer program, stored in a tangible storage medium, the program comprising executable instructions that cause a computer to:

select a category of rich media publishing ("RMP") templates;

select at least one RMP template from the category, said at least one RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement;

select and arranging the media items in said each media slot; and

store project code used to present a media project comprising said at least one RMP template and said media items;

wherein said at least one RMP template includes settable features, the settable features controlling an aspect of presenting the media project,

wherein the settable features of said at least one RMP template are configured to match and remain unchanged when said at least one RMP template is replaced by another RMP template in said category, and

wherein said media items in said each media slot of said at least one RMP template remain unchanged when said at least one RMP template is replaced by said another RMP template in said category.

49. The computer program of claim 48, further comprising executable instructions that cause a computer to:

select publication parameters; and

store the media project.

50. A media publishing system, comprising:

a means for connecting the media publishing system to a user;

a means for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; and

a means for providing a file system to said means for building, publishing, and accessing,

wherein the file system provides access to media items; and

a means for presenting said media project;

wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, and

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

51. A client system for accessing and utilizing a media publishing system, comprising:

a means for connecting a user to the media publishing system; and

a means building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots;

wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category,

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category, and

wherein the media project and media items are presented to the user.

52. A media publishing system, comprising:

a means for selecting a category of rich media publishing ("RMP") templates;

a means for selecting at least one RMP template from the category, said at least one RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement;

a means for selecting and arranging the media items in said each media slot; and

a means for presenting a media project comprising said at least one RMP template and said media items;

wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category,

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

(ix) Evidence Appendix

None.

(x) Related Proceedings Appendix

None